

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHERRY LATHAM,

Plaintiff,

-v.-

Civil Action No.
1:06-cv-1511 (GLS/DEP)

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Erwin, McCane Law Firm
23 Elk Street
Albany, New York 12207

THOMAS C. ERWIN, ESQ.

FOR THE DEFENDANT:

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

MARGARET A. DONAGHY, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed May 18, 2009. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

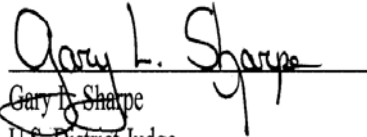
ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed May 18, 2009 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the defendant's motion for judgment on the pleadings is GRANTED, the Commissioner's determination of no disability is AFFIRMED, and plaintiff's complaint is DISMISSED in all respects, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Defendant and close this case.

IT IS SO ORDERED

Dated: June 5, 2009
Albany, New York



Gary L. Sharpe
U.S. District Judge